



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

JLP:ddj

Docket No: 2921-99

24 October 2000

MR [REDACTED] USN

Dear MR [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of Oct 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND**

**5720 INTEGRITY DRIVE**

**MILLINGTON TN 38055-0000**

1780  
PERS-604

1000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
MR. [REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 15 May 00  
(b) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a):

a. Recommend the Board deny Mr. [REDACTED] request to enroll in the Montgomery GI Bill (MGIB) Program. Mr. [REDACTED] states an injustice or error occurred because he did not receive information about the MGIB Program from his recruiter prior to start of active duty. Within two weeks after entering active duty, recruits are given their official briefing on the MGIB Program and it is at that time they complete DD Form 2366 documenting their decision to accept or decline enrollment in the program.

b. Review of Mr. [REDACTED] master microfiche record indicates he entered active duty with Navy on 25 July 1988. On 28 July 1988, he signed DD Form 2366 stating he understood he was eligible to enroll in the MGIB Program, but did not desire to participate and declined enrollment. Per reference (b), the decision to disenroll is irrevocable.

c. If Mr. [REDACTED] feels he was miscounseled on enrollment procedures during the official MGIB Program brief, he should provide the Board a letter from the briefing official where the alleged miscounseling occurred stating they provided incorrect information during their brief.

2. PERS-604's point of contact is EM1(SW) [REDACTED] who may be reached at (DSN) 882-4262 or (C) 901-874-4262.

[REDACTED]  
Commander, U.S. Navy  
Deputy Director, Navy Drug & Alcohol,  
Fitness, Education &  
Partnerships Division (PERS-60)